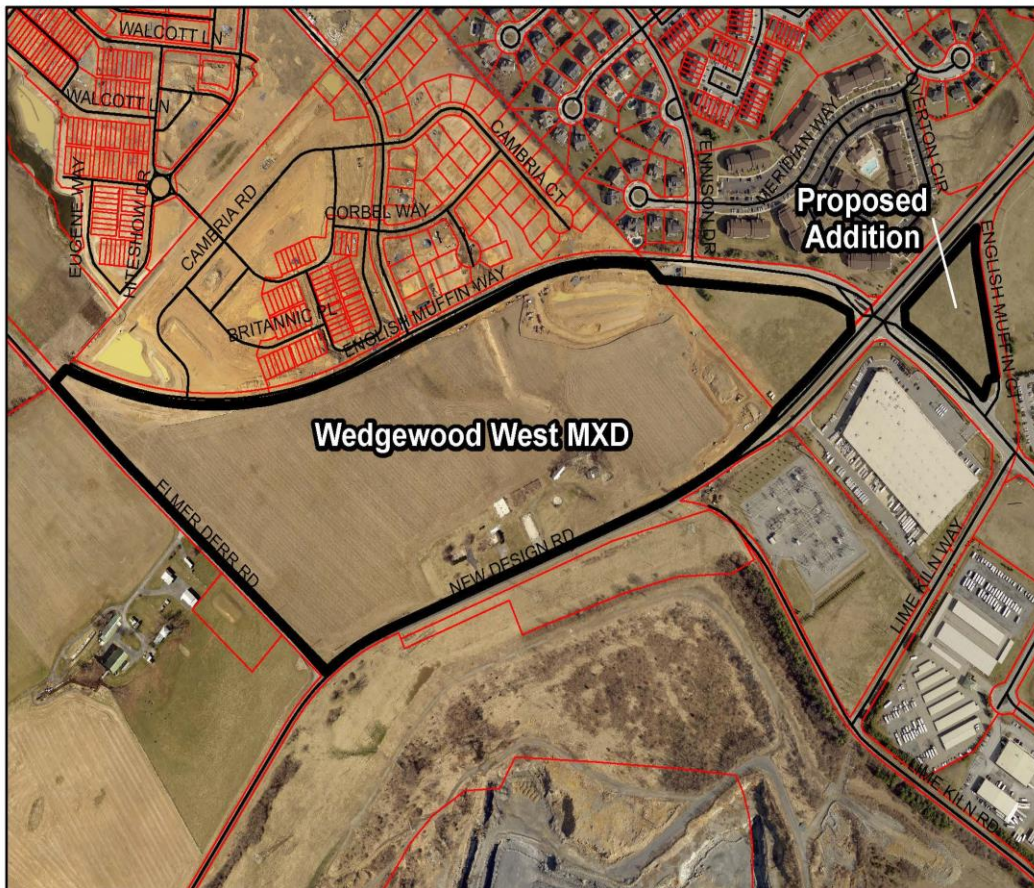


Zoning Map Amendment

CASE NUMBER: R-07-01 (A)
APPLICANT: Wellington III, LLC
REQUEST: Amend the Phase I Plan for the Wedgewood West MXD to rezone 2.82 acres from Limited Industrial (LI) to Mixed Use Development (MXD) and add to the Wedgewood West MXD for commercial use.
LOCATION: Northeast corner of New Design Rd. and English Muffin Way

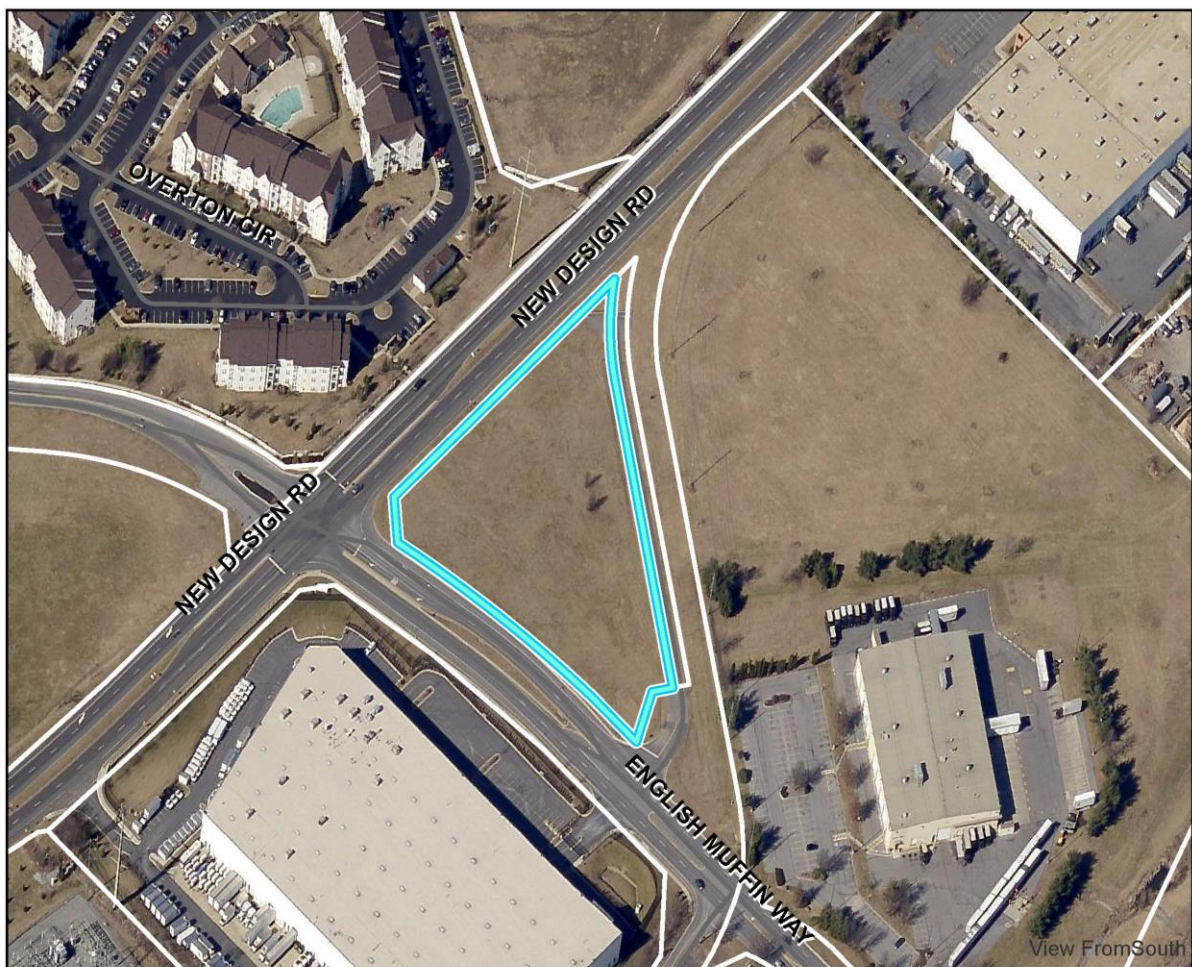


I. Background

The Wedgewood West (formerly Younkins) property was initially rezoned to Mixed Use Development (MXD) in 2006 (Case # R-05-07, Ordinance # 06-40-436) and encompassed 50.6 acres. The MXD approval only included employment and commercial uses as the other part of the Younkins property was rezoned to PUD with residential uses. In 2007 the MXD development was expanded through a rezoning of three (3) adjoining parcels to MXD (Case # 07-01, Ordinance #08-10-486) totaling 7.2 acres.

The employment portion of the MXD received site plan approval for approximately 671,938 square feet of flex space similar to what has been constructed along English Muffin Way. Two buildings have been constructed and several more are under construction.

The subject site was created as a result of the relocation and widening of New Design Rd. in the 1990's. The old alignment of New Design Rd. remains as a public right-of-way and is named English Muffin Ct.



II. Applicant's Proposal

The application proposes to rezone the 2.8 acre site from Limited Industrial (LI) to Mixed Use Development (MXD) and add it to the existing Wedgewood West MXD development. The site is proposed for commercial use. The specific commercial uses allowed in the MXD zoning district are those uses permitted in the General Commercial zoning district with some exceptions. The application does not identify a specific use/business for the site. A specific use will be subject to a subsequent site plan review process.

Proposed Land Use Mix - Wedgewood West MXD

Land Use	Acres	Percentage (of gross land area)	Maximum Permitted or Minimum Required
Commercial	8.9	16%	25% maximum
Employment	36.4	64%	No maximum
Open Space/Green Area	11.3	20%	11.3 ac minimum
TOTAL	56.6 acres	100%	

Land Use Mix

The MXD zone allows for a maximum commercial use of 25% of the gross acreage of the site (exclusive of floodplain) when there is no residential component. The proposed addition of 2.8 acres for commercial use will bring the total commercial area to 8.9 acres which is 16% of the gross land area. The Applicant's request to increase the maximum percentage for commercial land is therefore consistent with the requirements of the MXD zone.

The commercial area on the main MXD site has been reduced from the previous approval in 2007. That concept plan showed 11.7 acres of commercial. As the project has proceeded through the development review process the commercial component was reduced to the 6 acres shown on the following concept plan. That site is now approved for an assisted living facility.

Natural Features

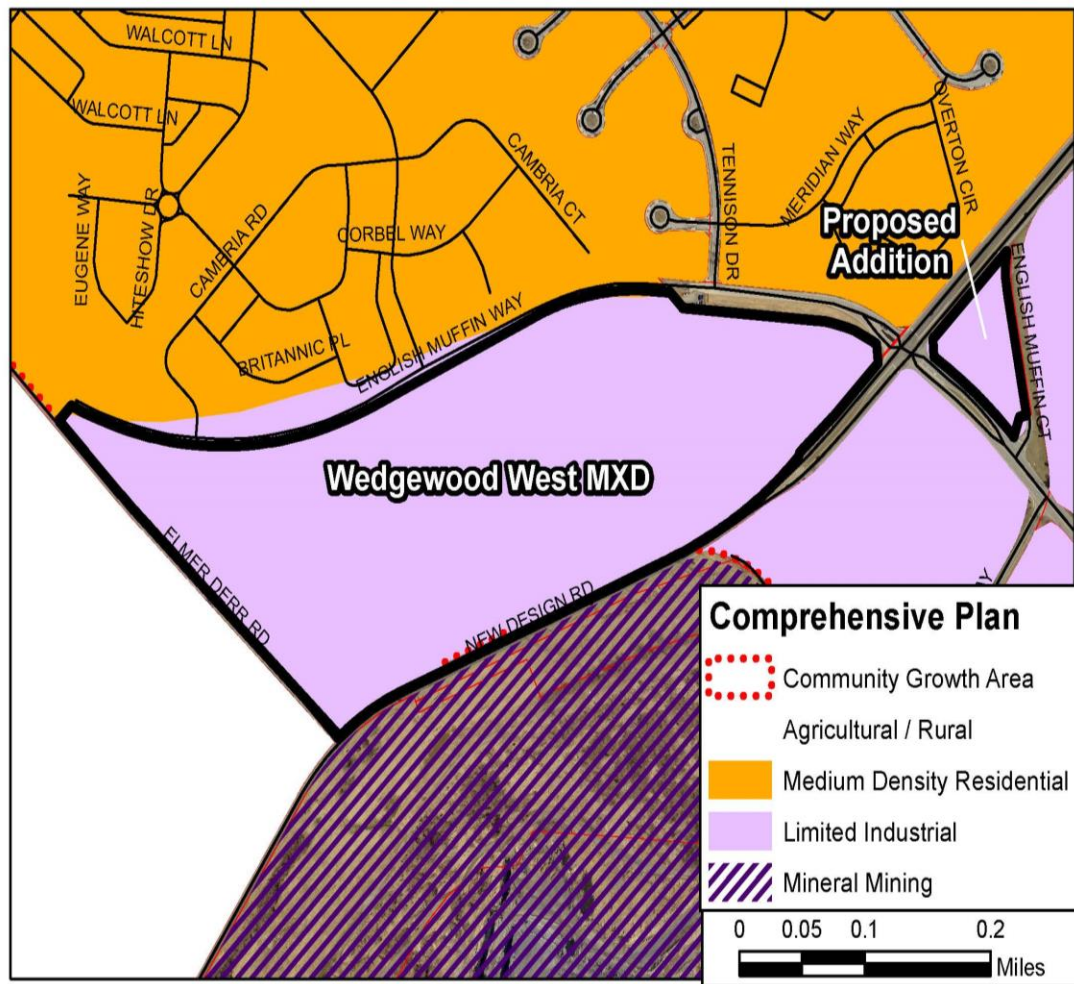
The Site is a flat, open field with two lonesome trees. The site does not contain any wetlands, floodplain, wet soils, or steep slopes.



II. Evaluation - Relationship to the County Plans

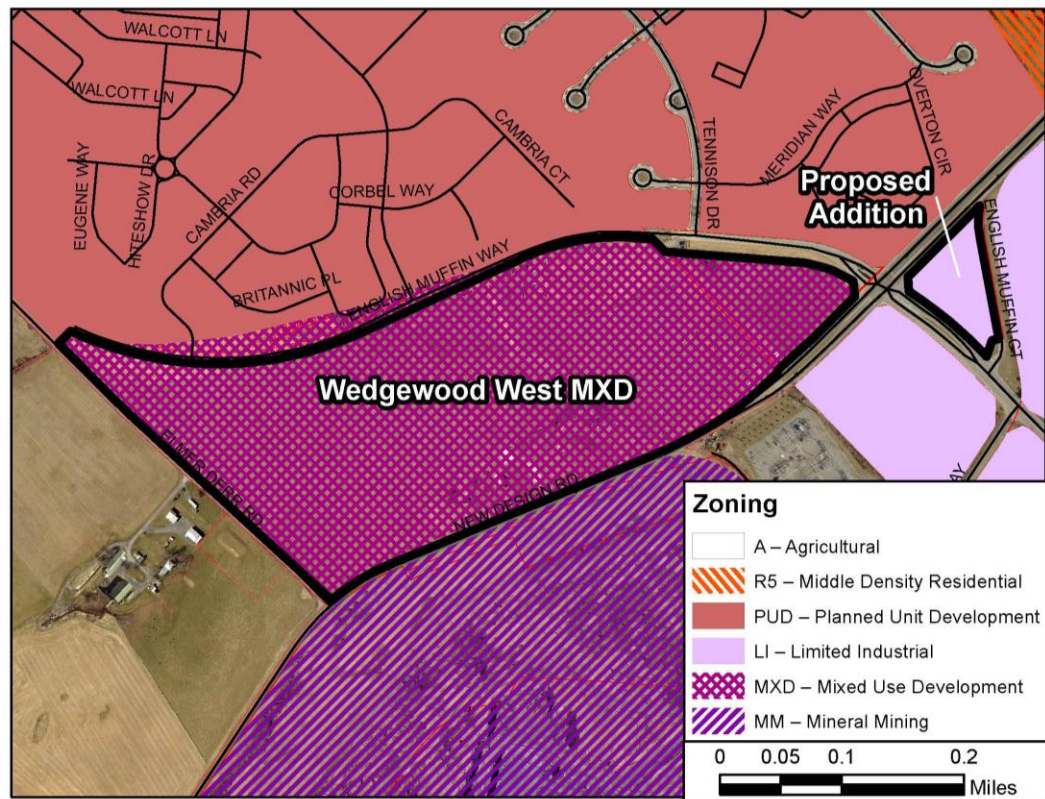
Comprehensive Plan Designation

The Wedgewood West MXD development and the subject site have a land use plan designation of Limited Industrial and are within the Ballenger Creek Community Growth Area. The Limited Industrial land use plan designation does permit the application of the MXD floating zone district.



Current Zoning, Adjoining Land Uses

The Site is zoned Limited Industrial (LI), which was applied in 2001. Adjoining properties on the east side of New Design Rd. are also zoned LI. On the west side of New Design Rd. the predominate zoning is Planned Unit Development (PUD) on the Wellington Trace PUD and the Manors at Ballenger PUD. There is also some R-5 zoning on the Robin Meadows development to the north of the site.



III. Evaluation – Availability/Adequacy of Public Facilities and Services

PUBLIC SCHOOLS

No residential land use is proposed in this revision; therefore schools will not be directly impacted by this project.

WATER AND SEWER

The Site is classified S-3/W-3 in the County Water and Sewerage Plan. There are existing water and sewer lines along English Muffin Way immediately adjoining the site. There is also an existing water line in the old alignment of New Design Rd.

Water Service – Water is supplied to the Site from the New Design Water Treatment Plant. The New Design Water Treatment Plant has a permitted capacity of 25 million gallons/day (MGD) and has a current average daily use of approximately 16 MGD.

Sewer Service - Sewage treatment service is provided by the Ballenger-McKinney wastewater treatment plant (WWTP), which has capacity of 15 MGD and currently discharges into the Monocacy River. Current average daily treatment flows at the Ballenger-McKinney WWTP is 5.7 MGD.

PUBLIC SAFETY

The Site is approximately 1.5 miles from the Westview Fire Station #31, located to the north on New Design Rd. The Site is within the recommended maximum distance of 2 miles for high value commercial/industrial development. Police protection would be provided by the County Sheriff's Office.

LIBRARIES

The proposed rezoning for commercial use would not impact library facilities.

PARKS AND RECREATION

The proposed rezoning for commercial use would not impact park and recreation facilities.

TRANSPORTATION

EXISTING SITE ACCESS CHARACTERISTICS

The Site has approximately 214 feet of frontage along English Muffin Way and 430 feet of frontage along New Design Rd. The site also has 438 feet of frontage along English Muffin Ct. which is a dead end road of the old alignment of New Design Rd. Access to the site will be primarily from English Muffin Ct.

New Design Rd. north of English Muffin Way is a 4-lane divided roadway, which transitions to a 2-lane roadway south of English Muffin Way. English Muffin Way east of New Design Rd. is a 4-lane roadway with a continuous left turn lane and only has a median at the intersection with New Design Rd. West of New Design Rd. English Muffin Way will be constructed as a 4-lane divided roadway with a median along the frontage of the Wedgewood West MXD development.

PEDESTRIAN FACILITIES

Pedestrian facilities include sidewalks along the west side of New Design from English Muffin Way to the north. On the east side of New Design Rd. there are no sidewalks from English Muffin Way north to Robin Dr. a distance of approximately 1,600 feet including the frontage of this Site. The only sidewalk along English Muffin Way on the east side of New Design Rd. is along the property directly across English Muffin Way from this Site. There are no crosswalk markings on any of the legs of the New Design/English Muffin intersection.

EXISTING TRAFFIC VOLUMES ON ADJOINING ROADS

A measure of additional capacity of a roadway can be generally determined through the calculation of the Volume/Capacity (V/C) ratio, which can be obtained by dividing the **capacity** of the road (based on # existing thru lanes) by the current average daily traffic **volume**.

4-lane arterial capacity – 34,000 vehicles/day

2-lane arterial capacity – 18,000 vehicles/day

A V/C ratio below 1.0 indicates that capacity is available.

Count Location	Average Annual Daily Traffic (AADT)	Volume/Capacity (VC) Ratio
New Design Rd. – north of English Muffin	7,988 ¹	34,000, V/C -0.23
New Design Rd. – south of English Muffin	5,345 ¹	18,000, V/C – 0.29
English Muffin Way – east of New Design	1,896 ¹	34,000, V/C – 0.05

1. Counts conducted in 2009

For trip generation purposes the applicant is assuming a shopping center use of 35,000 square feet. The average daily traffic generation for this use is approximately 3,432 trips/day. The applicant also assumes a by-pass (trips already going by the site) rate of 40% which would reduce the number of new daily trips to 2,059 trips/day.

COMPREHENSIVE PLAN DESIGNATIONS FOR ADJOINING ROADS

New Design Rd. – Major Arterial (north of English Muffin Way)

New Design Rd. – Minor Arterial (south of English Muffin Way)

English Muffin Way – Major Arterial

IV. Summary of Findings

§ 1-19-3.110.4 (A) (Approval Criteria for Zoning Map Amendments)

(1) *Consistency with the comprehensive plan;*

The site is designated Limited Industrial which is consistent with the application of the MXD floating zone district. The proposed use of the site for commercial would be appropriate to support the adjoining businesses and residential uses in the vicinity.

(2) *Availability of public facilities;*

The proposed commercial use on the site will not impact school, parks, or library facilities. Water is supplied by the New Design Water Treatment Plant. Sewer is treated by the Ballenger McKinney Wastewater Treatment Plant. Both systems currently have adequate treatment and supply capacity to serve the proposed commercial use of approximately 35,000 square feet.

(3) *Adequacy of existing and future transportation systems;*

Both New Design Rd. and English Muffin Way have V/C ratios well under 1.0 and thus have adequate capacity to serve the proposed commercial use of the site. Both roads are 4 lanes and likely upgraded to their maximum design as arterials.

(4) *Compatibility with existing and proposed development;*

The proposed commercial use is compatible with the existing industrial uses on the east side of New Design Rd. and along English Muffin Way. The scale of the proposed commercial use would be compatible with the existing residential uses on the northwest quadrant of New Design Rd. and English Muffin Way.

(5) *Population change;*

As no residential development is proposed, there would not a population change for the neighborhood.

(6) *The timing of development and facilities.*

The application does not propose a schedule for development of the site. It is likely the site will be developed in a single phase. Given that all of the adjoining road and water/sewer infrastructure is existing there would not likely be any impediment to the timing of development of the site related to the availability of facilities. The site will be subject to subsequent site plan review and APFO review.

§ 1-19-10.500.3. (Approval Criteria for Planned Development Districts)

(A) *The proposed development is compact, employing design principles that result in efficient consumption of land, efficient extension of public infrastructure, and efficient provision of public facilities;*

The Site is in area that is mostly built out. The area has extensive existing infrastructure including water/sewer lines and road improvements that would support the development of what is considered an infill site.

(B) The proposed development design and building siting are in accordance with the County Comprehensive Plan, and any applicable community and corridor plans;

The application does not identify a specific business or user for the site so it is difficult to address building and site design at this stage. There is no Community and Corridor Plan for this area.

(C) The proposed development is compatible with existing or anticipated surrounding land uses with regard to size, building scale, intensity, setbacks, and landscaping, or the proposal provides for mitigation of differences in appearance or scale through such means as setbacks, screening, landscaping; or other design features in accordance with the County Comprehensive Plan, and any applicable community or corridor plans;

The proposed commercial use is compatible with the various industrial uses on the east side of New Design Rd. The scale/size of the site is compatible with the residential uses on the west side of New Design Rd. The subsequent site plan review for the site would address detailed design issues such as parking, landscaping, screening etc.

(D) The proposed development provides a safe and efficient arrangement of land use, buildings, infrastructure, and transportation circulation systems. Factors to be evaluated include: connections between existing and proposed community development patterns, extension of the street network; pedestrian connections to, from, and between buildings, parking areas, recreation, and open space;

A Site Development Plan must be submitted to proceed with development of the Site. The safety and efficiency of the arrangement of on-site buildings and infrastructure will be evaluated upon application for Site Development Plan approval. The site will have a shared access via English Muffin Ct. to English Muffin Way with the adjoining UPS business. Access to New Design Rd. would be addressed as part of the subsequent site plan review. There are no sidewalks along English Muffin Way or on the east side of New Design Rd., which would be addressed at site plan review.

(E) The transportation system is or will be made adequate to serve the proposed development in addition to existing uses in the area. Factors to be evaluated include: roadway capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts, projected construction schedule of planned improvements, pedestrian safety, and travel demand modeling;

Both New Design Rd. and English Muffin Way have adequate capacity to accommodate the traffic from the proposed commercial use. Both roads have Volume/Capacity ratios well under 1.0.

(F) The proposed development provides design and building placement that optimizes walking, biking, and use of public transit. Factors to be evaluated include: extension of the street network; existing and proposed community development patterns; and pedestrian connections to, from, and between buildings, parking areas, recreation, and open space;

The proposed amendment does not include a specific commercial use or layout of the site. As the site is separated from the main MXD development pedestrian access could only be provided via crosswalks at the New Design/English Muffin intersection.

(G) Existing fire and emergency medical service facilities are or will be made adequate to serve the increased demand from the proposed development in addition to existing uses in the area. Factors to be evaluated include: response time, projected schedule of providing planned improvements, bridges, roads, and nature and type of available response apparatus;

The Site is in the Westview Fire Station service area which is 1.5 miles to the north on New Design Rd. This is within the recommended maximum distance of 2 miles for high value commercial

development.

(H) Natural features of the site have been adequately considered and utilized in the design of the proposed development. Factors to be evaluated include: the relationship of existing natural features to man-made features both on-site and in the immediate vicinity, natural features connectivity, energy efficient site design, use of environmental site design or low impact development techniques in accordance with Chapter 1-15.2 of the Frederick County Code;

The Site is flat, open ground and does not contain any wetlands, floodplain, wet soils, or steep slopes.

(I) The proposed mixture of land uses is consistent with the purpose and intent of the underlying County Comprehensive Plan land use designation(s), and any applicable community or corridor plans;

The Site is designated Limited Industrial which allows for the application of the MXD floating zone. The addition of the commercial use is consistent with the intent of the MXD zone to provide the opportunity for commercial uses to support the adjoining industrial/employment uses. This area in particular does not have any supporting commercial uses.

(J) Planned developments shall be served adequately by public facilities and services. Additionally, increased demand for public facilities, services, and utilities created by the proposed development (including without limitation water, sewer, transportation, parks and recreation, schools, fire and emergency services, libraries, and law enforcement) shall be evaluated as adequate or to be made adequate within established county standards.

The proposed commercial use will not impact schools, library, or park facilities. Fire/Rescue services are adequate to serve the Site. Any proposed site plan for the site will be subject to the Adequate Public Facilities Ordinance (APFO) which will apply specific adequacy tests for traffic impacts and the availability of water and sewer.

V. Recommendation

Staff recommends APPROVAL of the request to rezone the 2.8 acre site from Limited Industrial (LI) to Mixed Use Development (MXD) and to amend the Wedgewood West MXD Phase I Plan to add the site to the MXD based on the following findings:

1. The amendment meets the approval criteria as set forth in §1-19-3.110.4;
2. The amendment meets the Planned Development District approval criteria set forth in §1-19-10.500.3;
3. The proposed land use mix is consistent with the requirements of the MXD zone;

Staff further recommends the following condition:

1. The Wedgewood West MXD shall have a land use mix composed of commercial (16%), employment (64%), and open space (20%).